IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NOs: 2886 of 1999, 1610 of 2000,

20001 of 2000, 8879 of 2001,

14525 of 2001, 15288 of 2001,

4422 of 2002 and 3644 of 2004

W.P.NO.2886 OF 1999:

Between:

J.Rajeshwari W/o G.T.Pardhasaradhi
R/o H.No.3-6-443, Road No.5,Himayathnagar,
Hyderabad-29

... PETITIONER

AND

1. Andhra Pradesh Vikalangula Co-Operative Corporation, rep.by its Managing Director,
Hyderabad.
2 Andhra Pradesh Vikalangula Co-Operative,Corporation, rep.

by its Executive Director -Cum-Joint Collector,
Hyderabad.
3 Project Officer,Training-Cum-Production Centre & APVCC,
Tarnaka, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus to declare the proceedings dt.2-2-98 in proceeding/Notice No.APVCC/Retirenchment/98/D-732,as illegal, arbitrary and consequently direct the respondent to re-instate the petitioner into the service forthwith, with continuity of Service back wages etc.

Counsel for the Petitioner:MR.S.SHARAT KUMAR

Counsel for the Respondents : MR.K.RAMANUJA CHARI

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WRIT PETITION NO : 1610 of 2000

Between:

R.V.S. Prasada Rao S/o. R.V.Ramakrishna Ra

Aged about 43 years, R/o. Hyderabad

... PETITIONER

AND

Andhra Pradesh Vikalangula Coop. Corporation,

Rep. by Managing Director
B.R.K.R.Bhavan Ground Floor,
Tank Bund Road, Hyderabad

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the action of Respondent in not paying the subsistence allowance to the Petitioner as arbitrary, illegal, capricious and violative of Article 14 and 21 of the Constitution of India and consequently direct the Respondent to pay the subsistence allowance to the Petitioner from April,1998 forthwith and continue to pay the subsistence allowance pending enquiry.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.K.RAMANUJA CHARI

WRIT PETITION NO : 20001 of 2000

Between:

1. K.Simhachalam, S/o.K.Appala Swamy,
   Aged 41 yrs, Working in Artificial Limited Manufacturing Unit,

Visakhapatnam.
2. V.Prabhakar Rao, S/o.V.Sankar Rao,
   Working in Artificial Limited Manufacturing Unit,

Visakhapatnam.

... PETITIONERS

AND

1. The A.P.Vikalangula Co-operative Corporation,

Rep. by it's Managing Director,
   BRKR Bldgs., Tank Bund Road,
   Hyderabad.
2. The Project Officer, T.C.P.C.
   Bakkannapalem, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in not regularising the services of the petitioners from the dates of their initial appointments in their respective posts and not granting the pay scales from that date as illegal, arbitrary, discriminatory and violative of Art.14 & 16 of the Constitution of India and consequently direct the respondents herein to regularise the services of the petitioners from the dates of their initial appointments as was done in the case of K.Tamminadu and grant the pay scales attached to the said posts with all consequential benefits.

Counsel for the Petitioner:MR.V.SUDHAKAR REDDY

Counsel for the Respondents: MR.K.RAMANUJA CHARI

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<u>WRIT PETITION NO : 8879 of 2001</u>

Between:

R.V.S. Prasada Rao S/o. R.V.Ramakrishna Rao
Aged 43 years, R/o. Dollars Chambers, Lakidakapul,
Hyderabad.

... PETITIONER

AND

Andhra Pradesh Vikalangula Coop., Corporation,

Rep. by its Managing Director,

B.R.K.R.Bhavan, Ground Floor,
Tank Bund Road, Hyderabad.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ order or direction more particularly in the nature of Writ of Mandamus directing the respondent to pay the scale of Rs.2240 (PRC 1986) from the year 1990 to the Petitioner herein as the Juniors to the Petitioners are being paid the same from the year 1990.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.K.RAMANUJA CHARI

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WRIT PETITION NO : 14525 of 2001

Between:

R.Bhoomachari, S/o. Latchaiah,
Aged about 37 years, Class Room Atendant,

Government Residential School for Visually Handicapped,

Karimnagar/Watchman,
Andhra Pradesh Vikalangula Co-op. Corporation, Hyderabad.

... PETITIONER

AND

1. The Assistant Director for Welfare of Handicapped,
Karimnagar, Karimnagar District.
2. The Commissioner for Disabled Welfare,
Government of Andhra Pradesh, Hyderabad.
3. The Andhra Pradesh Vikalangula Co-op.Corporation, Rep. by

its Managing Director, Hyderabad.
4. State of Andhra Pradesh, Rep. by its

Principal Secretary to the Government

Women Development, Child Welfare and Disabled Welfare
Department, Secretariat, Hyderabad.
5. The Principal, Government Residential School for Visually

Handicapped, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction especially one in the nature of a Writ of Mandamus directing the respondents to admit the petitioner to duty as per my joining report dt. 1.6.2001 in the light of the Memo No.A2/51/97 dt. 25.5.2001 of the 1st respondent and the follow up relieving orders dt. -5-2001 of the Principal, Government Residential School for Visually Handicapped, Karimnagar together with arrears of salaries, allowances and other attendant benefits.

Counsel for the Petitioner: MR.Y.VENKAT SASTRY

Counsel for the Respondent Nos.1 to 3&5: MR.K.RAMANUJA CHARY

Counsel for the Respondent No.4: G.P. FOR WOMEN DEVELOPMENT AND CHILD WELFARE.

WRIT PETITION NO : 15288 of 2001

Between:

K. Chenchu Ramaiah S/o Malakondaiah
Aged about 37 years, Working as Thotamali at

Training cum Production Centre,

Andhra Pradesh Vikalangula Cooperative Corporation,

Ongole.

... PETITIONER

AND

1. The Managing Director, Andhra Pradesh Vikalangula

Cooperative Corporation, Hyderabad.
2. The Joint Collector and Executive Director,

Andhra Pradesh Vikalangula Cooperative Corporation,
Ongole, Prakasham District.
3. The Project Officer Training cum Production Centre,
Andhra Pradesh Vikalangula Cooperative Corporation
Ongole, Prakasham District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue, Writ, Order or direction more particularly one in the nature of WRIT OF CERTIORARI calling for all connected records pertaining to the Proceedings No.A3/Legal/5725/93/2001/D-1157 dt. 18-4-2001 of the 1st Respondent and quash the same.

Counsel for the Petitioner: SMT.A.CHAYA DEVI

Counsel for the Respondents: MR.K.RAMANUJA CHARI

WRIT PETITION NO : 4422 of 2002

Between:

R.Suryakala, W/o Late R.Satyanarayana,

Aged 42 yrs, R/o D.No.5-4-17(2),

Suryanagar, Amalapuram, E.G.District.

... PETITIONER

AND

1. The A.P.Vikalangula/Disabled

Corporation, Boorgula Ramakrishna Rao Bhavan,

Hyderabad, rep. by its Managing Director.

2. The Assistant Director,

A.P.Vikalangula Corporation,

Adilabad, Adilabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not considering the case of the petitioner for compassionate appointment for death of her husband on 30-01-2000 in spite of representations as highly illegal, arbitrary and violative of Art.14 and 16 of the Constitution of India and consequently direct the respondents to provide appointment on compassionate ground in any suitable post.

Counsel for the Petitioner: MR.KATTA NARASIMHA RAO

Counsel for the Respondents: MR.K.RAMANUJA CHARI

WRIT PETITION NO : 3644 of 2004

Between:

V.Vasudeva Reddy, s/o V.C.Kulla Reddy,

Aged about 38 years,

Working as Welfare Assistant, Caliper Centre,
Andhra Pradesh Vikalangula Coopertive Coporation,

Ananthapur, Ananthapur District.

... PETITIONER

AND

1. The AP Vikalangula Coopertive Corporation, rep by its

Managing Director, Ground Floor,
BRKR Buildings, Near Tankbund, Hyderabad
2. The Executive Director, AP Vikalangula Cooperative

Corporation, Ananthapur
3. The District Manager, AP Vikalangula Cooperative

Corporation, Ananthapur

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of

mandamus declaring the action of the 1st respondent in not considering the representation of the petitioner for regularising the period of suspension and paying consequential benefits, as arbitrary, illegal, in violation of Articles 14 of the Constitution of India and to issue a consequential direction to the respondents to consider the representation of the petitioner and pass appropriate orders on that by regularlising the period of suspension in accordance with law with all consequential benefits forthwith.

Counsel for the Petitioner: MR.SUBBA RAO KORRAPATI

Counsel for the Respondents: MR.K.RAMANUJA CHARI

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COMMON ORDER:

In these writ petitions, the petitioners are seeking fixation of pay scales, regularization of services, payment of subsistence allowance, compassionate appointment etc., and also challenging the orders of retrenchment etc. passed by the Andhra Pradesh Vikalangula Cooperative Corporation.

Similar writ petitions were dismissed by this Court by a common Judgment dated 29-10-2004 in W.P.No.21643 of 2000 and batch. Following the same, these writ petitions are liable to be dismissed as not maintainable, since they seek judicial review of the service conditions, which are in the realm of pure contract made under bye-laws, which have no statutory force or flavour. Further, petitioners have effective

and efficacious alternative remedy by way of approaching the authorities under the Cooperative Societies Act to work out their remedies.

Accordingly, the writ petitions are dismissed. The petitioners are at liberty to approach the authorities under the A.P. Cooperative Societies Act for redressal of their grievances, if they are so advised. There shall be no order as to costs.

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10th November, 2004

pan/prk

To

1. The Managing Director, Andhra Pradesh Vikalangula Co-Operative Corporation,

B.R.K.R. Bhavan, Ground Floor, Tank Bund Road,

Hyderabad.

2. The Executive Director-cum-Joint Collector,

Andhra Pradesh Vikalangula Co-Operative Corporation,

Hyderabad.

3. Project Officer,Training-Cum-Production Centre, APVCC,
Tarnaka, Hyderabad.

4. The Project Officer, T.C.P.C.
Bakkannapalem, Visakhapatnam.

5. The Assistant Director for Welfare of Handicapped,
Karimnagar, Karimnagar District.

6. The Commissioner for Disabled Welfare,
Government of Andhra Pradesh, Hyderabad.

7. The Principal Secretary,

Women Development, Child Welfare and Disabled Welfare
Department, Secretariat, Hyderabad.

8. The Principal, Government Residential School for Visually

Handicapped, Karimnagar, Karimnagar District.

9. The Joint Collector and Executive Director,

Andhra Pradesh Vikalangula Cooperative Corporation,
Ongole, Prakasham District.

10. The Project Officer, Training-cum-Production Centre,
Andhra Pradesh Vikalangula Cooperative Corporation
Ongole, Prakasham District.

11. The Assistant Director,

A.P.Vikalangula Corporation,

Adilabad, Adilabad District.

12. The Executive Director, AP Vikalangula Cooperative

Corporation, Ananthapur, Ananthapur District.

13. The District Manager, AP Vikalangula Cooperative

Corporation, Ananthapur, Ananthapur District.

14. Two C.Cs to the Govt.Pleader for Women Development and Child Welfare, High Court buildings, Hyderabad (OUT)

15. Two C.D.copies.